

S/N 10/033,634

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: NELSON ET AL. Examiner: K. ROWAN
Serial No.: 10/033,634 Group Art Unit: 3643
Filed: DECEMBER 27, 2001 Docket No.: 163.1118USD1
Title: FLY TRAP WITH MULTIPLE LIGHT PATTERNS

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 18, 2005.

By:

Name:

Kristine A. Wacek
Kristine A. Wacek

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(c))

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted after the mailing date of a first Office Action on-the-merits or a first Office Action after filing a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d), but before the mailing date of: i) a final action under 37 C.F.R. § 1.113; ii) a Notice of Allowance under 37 C.F.R. § 1.311; or iii) an action that otherwise closes prosecution on the application. Enclosed is a check in the amount of \$180.00 under 37 C.F.R. § 1.17(p) for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a

02/23/2005 TLUU11 00000015 10033634

01 FC:1806

180.00 OP

reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: Feb. 18, 2005

Kate DeVries Smith
Katherine M. DeVries Smith
Reg. No. 42,157
KDS:PLSkaw

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 163.1118USD1	Application Number: 10/033,634
	Applicant: NELSON ET AL.	
	Filing Date: 12/27/2001	Group Art Unit: 3643

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	2,791,864	05/14/1957	Chappell			
	3,187,458	06/08/1965	Densmore			
	Des. 221,893	09/14/1971	Peasley			
	3,653,145	04/04/1972	Stout			
	4,147,947	04/03/1979	Hoeh, deceased			
	4,411,093	10/25/1983	Stout et al.			
	4,490,938	01/01/1985	Baker			
	4,577,434	03/25/1986	Davis			
	4,841,669	06/27/1989	Demarest et al.			
	4,992,268	02/12/1991	Landolt et al.			
	5,046,280	09/10/1991	Foster et al.			
	5,090,153	02/25/1992	Mullen et al.			
	5,170,583	12/15/1992	Coaker et al.			
	5,634,292	06/03/1997	Kitterman			
	5,651,211	07/29/1997	Regan et al.			
	5,657,576	08/19/1997	Nicosia			
	5,713,153	02/03/1998	Cook et al.			
	5,722,199	03/03/1998	Demarest et al.			
	B1 5,365,690	03/03/1998	Nelson et al.			
	Des. 422,334	04/04/2000	Engelbrecht			
	5,657,576	08/19/1997	Nicosia			
	5,974,727	11/02/1999	Gilbert			
	6,108,966	08/29/2000	Otomo et al.			
	6,289,629 B2	09/18/2001	Greening			
	2002/0139040 A1	10/03/2002	Burrows et al.			
	6,493,986 B1	12/17/2002	Nelson et al.			

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 163.1118USD1	Application Number: 10/033,634
	Applicant: NELSON ET AL.	
	Filing Date: 12/27/2001	Group Art Unit: 3643

	2003/0079398 A1	05/01/2003	Holmes			
	2003/0089024 A1	05/15/2003	Nelson et al.			

FOREIGN PATENT DOCUMENTS

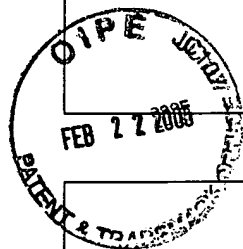
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	35 06 030 A1	08/21/1986	DE			Abstract	
	38 10 065 C1	04/20/1989	DE			Abstract	
	38 40 440 A1	10/12/1989	DE			X	
	38 40 440 C2	08/23/1990	DE			X	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Copy of application Serial No. 08/629,049, filed April 8, 1996 (Attorney Docket No. 163.1118USF1)
		Copy of application Serial No. 09/972,456, filed October 5, 2001 (Attorney Docket No. 163.1010USI1)
		Copy of application Serial No. 10/159,325, filed May 31, 2002 (Attorney Docket No. 1010USC2)
	Ex. Q	"Flying Insect Control: Part 2, A Profit Opportunity" <i>A supplement to PCT Pest Control Technology Magazine</i> , 24 pgs., (June 1998).
	Ex. R	Advertisement, "WS-75, Adhesive Insect Light Trap," <i>Gardner Manufacturing</i> , 2 pgs. (publicly known as early as January 1, 1999).
	Ex. S	Advertisement, "Adhesive Insect Light Traps," <i>Gardner Manufacturing</i> , 2 pgs. (publicly known as early as January 1, 1999).
	Ex. U	Brochure, "The Orkin Commercial Fly Control System," <i>Orkin</i> , 4 pgs. (June 1997).
	Ex. V	Brochure, "Acurid Orkin Designer: Decorative Insect Light Trap," <i>Orkin Acurid</i> , 2 pgs. (publicly known after 1998 but prior to October 5, 2001).
	Ex. W	Various Internet pages of manufacturers who sell Gardner products, 80 pgs. (January 2000).
	Ex. Y	Advertisement, "Insect-O-Cuter [®] ," <i>www.pestcontrolmag.com Magazine</i> , p. 16 (April 2000).
	Ex. Z	Brochure, "The Insect Inn IV [™] is their fatal attraction.," <i>Paraclipse, Inc.</i> , 3 pgs. (1997)
	Ex. AA	Brochure, "Paraclipse [™] Terminator: A Fly's Worst Enemy," <i>Paraclipse, Inc.</i> , 6 pgs. (1999).
	Ex. AF	Brochure, "Lunchtime, The Mantis," <i>Pest West, B&W Sales & Marketing</i> , 4 pgs. (1998).
	Ex. AG	Brochure, "Luralite: Attractive Flying Insect Control," <i>Luralite</i> , 4 pgs., (1999).
	Ex. AH	Brochure, "The Insect Inn IV [™] is their fatal attraction.," <i>Paraclipse, Inc.</i> , 6 pgs. (1999).
	Ex. AI	"Prescription Treatment Food Safety," <i>Whitmire Micro-Gen Research Laboratories, Inc.</i> , 10 pgs. (August 1999).

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 163.1118USD1	Application Number: 10/033,634
	Applicant: NELSON ET AL.	
	Filing Date: 12/27/2001	Group Art Unit: 3643



Ex. AL	Brochure, "No-Zap Flytraps will control your flying insect problem!!! We Guarantee It!!!," <i>CCI Industries, Inc.</i> , 4 pgs. (April 1999).
Ex. AM	Brochure, "Guardian® Hanging Fly Trap: Glueboard Model GBH362," <i>Insect-O-Cutor</i> , 1 pg. (September 1998).
Ex. AQ	"wil-kil.com: Focusing on Quality IPMI," http://www.wil-kil.com/index1024.html , 7 pgs. (June 7, 2002).
Ex. AR	"DecoCatch™ ILT," http://www.wil-kil.com/business/popups/decocatchdetails.html , 1 pg. (June 6, 2002).
Ex. AS	Gilbert, D. et al., "Gilbert® Strategic Installation of Professional Flytraps," http://www.gilbertinc.com/strategi.htm , 4 pgs. (November 2002).
Ex. BM	Advertisement, "Flies: Stealth Fly Program," <i>Ecolab Inc.</i> , 4 pgs. (2000).
Ex. BP	"Selecting A Professional Flytrap," http://gilbertinc.com/glutrap.htm , 5 pgs. (publicly known as early as February 28, 2000).
Ex. BW	Brochure, "Adhesive Insect Light Traps," <i>Orkin Acurid</i> , 1 pg. (publicly known as early as January 1, 1999).
Ex. BX	Brochure, "Adhesive Insect Light Traps," <i>Gardner Manufacturing</i> , 8 pgs. (publicly known as early as January 1, 1999).
Ex. BY	Brochure, "Fly Control for Restaurants," <i>Gardner Manufacturing</i> , 2 pgs. (publicly known as early as January 1, 1999).
Ex. BZ	Catalog, "Gardner Insect Light Traps," <i>Gardner Manufacturing</i> , 8 pgs. (publicly known as early as January 1, 1999).
Ex. CK	Advertisement, "Capture Flies in Style, "Diamond V" Wall Sconce/Insect Light Trap," <i>Gardner Manufacturing</i> , 2 pgs. (publicly known as early as November 1998).
Ex. CL	Winona Light Internet Catalog of Wall Scones, www.artemide.com/cgi/page_ds.php?fam & pro & lan=2&lin=4&vet=0 , www.lightwayind.com ; www.visalighting.com , and www.winonalighting.com , 28 pgs. (known to Applicant as of March 2000).
Ex. CM	"Gardner Insect Control," <i>Gardner Manufacturing</i> , http://www.gardnermfg.com/insect/ , 20 pgs. (known to Applicant as of May 9, 2002).
Ex. CN	Various Web Pages of manufacturers in the industry, 26 pgs. (known to Applicant as of August 26, 2002).
Ex. CO	"No Zap Flytraps," http://www.amer-rest-equip.com/cci/cci_zap.html , 2 pgs. (known to Applicant as of August 26, 2002).
Ex. CP	B & G Equipment Company, http://bgequip.com/ , 5 pgs. (known to Applicant as of August 26, 2002).
Ex. CQ	Luralite, http://www.bugspray.com/catalog/products/page1442.html , 2 pgs. (known to Applicant as of August 26, 2002).
Ex. CR	Catchmaster, http://www.catchmaster.com/ , 14 pgs. (known to Applicant as of August 26, 2002).
Ex. CS	Country Vet, http://www.country-vet.com/indProduct.php4?itemNum=xxxxxxx , 1 pg. (known to Applicant as of August 26, 2002).
Ex. CT	"Advantage Traps Flytraps, and interesting Fly Facts," http://www.flyfacts.com/HTML/uses.htm , 4 pgs. (known to Applicant as of August 26, 2002).

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

Date Mailed: FEBRUARY 18, 2005

Sheet 4 of 4

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 163.1118USD1	Application Number: 10/033,634
	Applicant: NELSON ET AL.	
	Filing Date: 12/27/2001	Group Art Unit: 3643

Ex. CU	Fly Traps, http://www.flytrappers.com/luralite.htm , 2 pgs. (known to Applicant as of August 26, 2002).
Ex. CV	"Insectu-O-Cutor Insect Control Products," http://www.germ-o-ray.com/iocpages/iocprods.html , 2 pgs. (known to Applicant as of August 26, 2002).
Ex. CW	"Gilbert® Website Central," http://www.gilbertinc.com/ , 29 pgs. (known to Applicant as of August 26, 2002).
Ex. CX	"Insect Control World-Insect Control and Fly Trap Devices by Restaurant Equipment," http://www.insectcontrolworld.com/ , 6 pgs. (known to Applicant as of August 26, 2002).
Ex. CY	"Starkeys Products," http://members.iinet.net.au/~starkey/ , 12 pgs. (known to Applicant as of August 26, 2002).
Ex. CZ	"Paracclipse, Inc., Columbus, NE, feature the Insect Inn IV and Terminator automated," 16 pgs. (known to Applicant as of August 26, 2002).
Ex. DD	"Advantage Fly Trap," http://www.pestproducts.net/flytrap.htm , 2 pgs. (known to Applicant as of August 26, 2002).
Ex. DE	"PestWest-Flying Insect Solutions," http://www.pestwest.com/home.cfm?lang=3 , 5 pgs. (known to Applicant as of August 26, 2002).
Ex. DF	"Flying Insect: Introducing Aurora 360," http://www.watco.com/aurora2.htm , 5 pgs. (known to Applicant as of August 26, 2002).
Ex. DG	Whitemire Micro-Gen Research Laboratories, Inc. Website, http://www.wmmg.com/default.htm , 17 pgs. (known to Applicant as of August 26, 2002).
Ex. DH	Gilbert, D. et al., "Strategic Installation of Insect Light Traps," <i>Gilbert Manufacturing</i> , pp. 4-19 (publicly known after 1998 but prior to October 5, 2001).
Ex. DI	Catalog, "Gilbert Professional Flytraps," <i>Gilbert Manufacturing</i> , 21 pgs. (publicly known after 1998 but prior to October 5, 2001).
Ex. DV	"CB Aurora 360, Illuminated Fly Trap System with Scented Pheromone Attractant," <i>CB Waterbury Companies, Inc.</i> , 4 pgs. (1997).

23552

PATENT TRADEMARK OFFICE

EXAMINER:	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	